

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8244 of 1997

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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DINESHBHAI G CHAUHAN

Versus

SETTLEMENT COMMISSIONER AND LAND RECORDS DIRECTOR

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Appearance:

MR DJ BHATT for Petitioner

MR DA BAMBHANIA ADDL GP for the respondents.

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CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 14/11/97

ORAL JUDGEMENT

Rule. At the suggestion of the Court, learned Additional Government Pleader Mr. Bambhania has accepted the advance service of petition and waives service of rule on behalf of the respondents herein. The petitioner is serving as Survey Mamlatdar at Bharuch. The petitioner is due to retire from service, on reaching the age of superannuation, on 31st March, 1999. The petitioner belongs to Surat and his wife is serving at

Surat. To suit his personal convenience, the petitioner made a representation to the respondents herein to transfer him at Surat. The petitioner has been making such representation repeatedly since August, 1995. Mr. Bhatt, the learned advocate appearing for the petitioner has submitted that during this period, several transfers are made at the request of the concerned Officers. However, the petitioner's application for such transfer has not been considered or dealt with. He submits that in view of the existing Government policy also, as far as possible, the petitioner should be transferred to his home town. He has submitted that if the petitioner cannot be transferred to Surat city, he may be accommodated at any place near Surat.

2. On the facts and in the circumstances of the case, this petition is allowed. Respondent No. 1 is directed to consider the application made by the petitioner on 14th July, 1997 and to make suitable order on or before 31st December, 1997. The order shall be communicated to the petitioner as soon as possible. Rule is made absolute to the aforesaid extent only. There shall be no order as to costs.

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Vyas